

ESTTA Tracking number: **ESTTA765120**

Filing date: **08/17/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Granted to Date of previous extension	08/17/2016
Address	7000 Coliseum Way Second Floor Oakland, CA 94621 UNITED STATES

Attorney information	Dana Breitman Kilpatrick Townsend & Stockton LLP The Grace Building 1114 Avenue of the Americas New York, NY 10036 UNITED STATES bbryner@ktslaw.com, dbreitman@ktslaw.com, kseigel@ktslaw.com, jburns@ktslaw.com, tmadmin@ktslaw.com Phone:212-775-8700
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Applicant Information

Application No	86603298	Publication date	04/19/2016
Opposition Filing Date	08/17/2016	Opposition Period Ends	08/17/2016
Applicants	<p>Ford, Justin 3416 Elmwood Ave Oakland, CA 94601 UNITED STATES</p> <p>Terry, Infini 3416 Elmwood Ave Oakland, CA 94601 UNITED STATES</p>		

Goods/Services Affected by Opposition


Class 025. First Use: 2015/03/01 First Use In Commerce: 2015/03/01
All goods and services in the class are opposed, namely: Beanies; Hats; Hooded sweatshirts; Pants; Shorts; Socks; T-shirts

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1234697	Application Date	12/15/1980
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Registration Date	04/12/1983	Foreign Priority Date	NONE
Word Mark	A'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1968/00/00 First Use In Commerce: 1968/00/00 Baseball Caps		


U.S. Registration No.	1257146	Application Date	09/27/1982
Registration Date	11/08/1983	Foreign Priority Date	NONE
Word Mark	A'S		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1961/04/01 First Use In Commerce: 1961/04/01 Entertainment Services-Namely, Conducting Professional Baseball Games and Exhibitions Rendered Live and Through the Media of Radio and Television Broadcasts

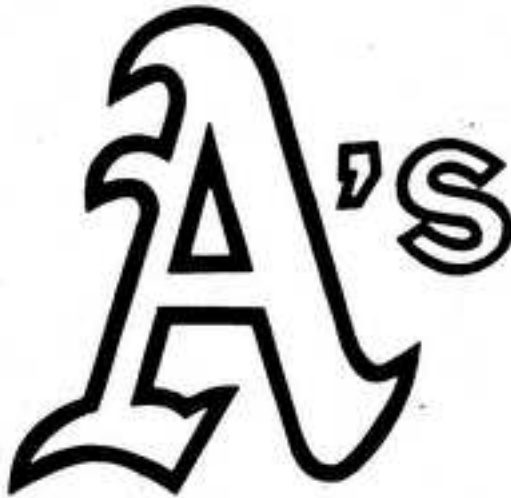

U.S. Registration No.	1267861	Application Date	09/27/1982
Registration Date	02/21/1984	Foreign Priority Date	NONE
Word Mark	A'S		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 011. First use: First Use: 1981/11/15 First Use In Commerce: 1981/11/15 Electric Desk Lamps Class 024. First use: First Use: 1982/02/15 First Use In Commerce: 1982/02/15 Cloth Pennants Class 025. First use: First Use: 1981/01/15 First Use In Commerce: 1981/01/15 Men's, Women's, and Children's Clothing-Namely, Hats, Caps, Visors, Shirts, Jackets, Warm-Up Suits, Shorts, Socks and Wristbands Class 028. First use: First Use: 1981/04/15 First Use In Commerce: 1981/04/15 [Toy Helmet Banks and] Baseball		
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U.S. Registration No.	1523854	Application Date	09/24/1987
Registration Date	02/07/1989	Foreign Priority Date	NONE
Word Mark	OAKLAND A'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1968/00/00 First Use In Commerce: 1968/00/00 ENTERTAINMENT SERVICES IN THE NATURE OFBASEBALL EXHIBITIONS		

U.S. Registration No.	1530851	Application Date	08/08/1988
Registration Date	03/21/1989	Foreign Priority Date	NONE
Word Mark	ATHLETICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1981/00/00 First Use In Commerce: 1981/00/00 PAPER PRODUCTS AND PRINTED MATTER, NAMELY, BUMPER STICKERS AND BASEBALL CARDS Class 025. First use: First Use: 1954/04/00 First Use In Commerce: 1954/04/00 CLOTHING, NAMELY, T-SHIRTS Class 028. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [TOYS, NAMELY, PVC (POLYVINYL CHLORIDE) DOLLS]		


U.S. Registration No.	1570831	Application Date	08/08/1988
Registration Date	12/12/1989	Foreign Priority Date	NONE

Word Mark	A'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 [WATCHES, NAMELY, BATTING HELMET WRISTWATCHES]</p> <p>Class 016. First use: First Use: 1981/00/00 First Use In Commerce: 1981/00/00 PAPER PRODUCTS AND PRINTED MATTER, NAMELY, PHOTOS OF BASEBALL PLAYERS,[LENTICULAR BASEBALL CARDS,] BASEBALL CARDS</p> <p>Class 021. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 BEVERAGE CONTAINERS, NAMELY, CUPS AND MUGS</p> <p>Class 034. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 [SMOKER'S ARTICLES, NAMELY, CIGARETTE LIGHTERS]</p>		
U.S. Registration No.	1571006	Application Date	08/08/1988
Registration Date	12/12/1989	Foreign Priority Date	NONE
Word Mark	OAKLAND		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 024. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [FABRICS, NAMELY, TABLECLOTHS] Class 025. First use: First Use: 1987/04/00 First Use In Commerce: 1987/04/00 CLOTHING, NAMELY, T-SHIRTS

U.S. Registration No.	3349788	Application Date	10/28/2005
Registration Date	12/04/2007	Foreign Priority Date	NONE


Word Mark	A'S
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 Electrical and scientific apparatus, namely, radios; [pre-recorded videotapes relating to baseball,]pre-recorded videodiscs relating to baseball; pre-recorded audio discs relating to baseball; compact disc cases; cases for personal digital assistants, [cell phones,] cell phoneaccessories, namely, cases and face plate covers; calculators; [photographic cameras;] electric switch plate covers; luminous signs, neon signs; sunglasses; decorative magnets; protective helmets, baseball batting helmets, [catcher's helmets;] video and computer game cartridges, video and computer game discs, video and computer game cassettes and video game controllers; computer accessories, namely, mouse pads computer game programs, and computer game programs downloadable from a global computer network in the field of baseball
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U.S. Registration No.	3349789	Application Date	10/28/2005
Registration Date	12/04/2007	Foreign Priority Date	NONE
Word Mark	ATHLETICS		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1995/05/05 First Use In Commerce: 1995/05/05 Entertainment services, namely, baseball games, competitions and exhibitions rendered live and through broadcast media including television and via a global computer network or a commercial on-line service; information services, namely, providing information in the field of sports, entertainment and related topics, and providing for informational messages relating thereto; educational services in the nature of baseball skills programs, baseball camps, and clinics offered live or organizing community sporting events; providing facilities for sports tournaments and competitions relating to baseball; organizing and conducting fantasy sports, sports contests and sweepstakes; fan clubs		
U.S. Registration No.	3538727	Application Date	10/28/2005
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	ATHLETICS		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Jewelry, namely, charms, [earrings,] pendants, [watches,] costume jewelry, rubber or silicone wristbands in the nature of a bracelet, ornamental metal pins, lapel pins, clocks[, alarm clocks]


U.S. Registration No.	3943685	Application Date	08/04/2010
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	OAKLAND		
Design Mark			
Description of Mark	The mark consists of the word "OAKLAND" in stylized form.		
Goods/Services	Class 025. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 Clothing and headwear, namely, jerseys, caps, hats, sweatshirts, shirts, and t-shirts		


U.S. Registration No.	1530675	Application Date	08/08/1988
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Registration Date	03/21/1989	Foreign Priority Date	NONE
Word Mark	OAKLAND A'S ATHLETICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1987/00/00 First Use In Commerce: 1987/00/00 [THERMOMETERS]</p> <p>Class 016. First use: First Use: 1981/00/00 First Use In Commerce: 1981/00/00 PAPER PRODUCTS AND PRINTED MATTER, NAMELY, LITHOGRAPHS, POSTERS, PRINTS, [LENTICULAR BASEBALL CARDS] AND BASEBALL CARDS</p> <p>Class 024. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 FABRICS, NAMELY, POTHOLDERS, BEDSPREADSAND SHEETS</p>		

U.S. Registration No.	1267687	Application Date	09/27/1982
Registration Date	02/21/1984	Foreign Priority Date	NONE
Word Mark	OAKLAND A'S ATHLETICS		

Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1981/11/20 First Use In Commerce: 1981/11/20 Key Tags and Key Chains</p> <p>Class 014. First use: First Use: 1981/11/20 First Use In Commerce: 1981/11/20 [Rings and] Lapel Pins</p> <p>Class 018. First use: First Use: 1981/11/20 First Use In Commerce: 1981/11/20 Tote Bags and All Purpose Sport Bags</p> <p>Class 020. First use: First Use: 1981/09/04 First Use In Commerce: 1981/09/04 Novelty Items, in the Nature of Pins, Portable Cushions and Chairs</p> <p>Class 021. First use: First Use: 1981/11/23 First Use In Commerce: 1981/11/23 Aluminum Tankards, Wastebaskets and Mugs of Non-Precious Metal</p> <p>Class 025. First use: First Use: 1981/11/20 First Use In Commerce: 1981/11/20 Clothing-Namely, T-Shirts, Sport Shirts, Sweaters, [Warm-Up Suits,] Pajamas and Baseball Uniforms</p> <p>Class 028. First use: First Use: 1981/11/23 First Use In Commerce: 1981/11/23 [Toy Ceramic Banks]</p> <p>Class 034. First use: First Use: 1981/11/21 First Use In Commerce: 1981/11/21 [Ceramic Ashtrays]</p>		
U.S. Registration No.	1263825	Application Date	09/27/1982
Registration Date	01/10/1984	Foreign Priority Date	NONE
Word Mark	OAKLAND A'S ATHLETICS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1981/04/09 First Use In Commerce: 1981/04/09 Entertainment Services-Namely, Conducting Professional Baseball Games and Exhibitions Rendered Live and Through the Media of Radio and Television Broadcasts

U.S. Registration No.	2759932	Application Date	12/18/2001
Registration Date	09/02/2003	Foreign Priority Date	NONE
Word Mark	OAKLAND ATHLETICS A'S		
Design Mark			


Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1994/03/00 First Use In Commerce: 1994/03/00 ELECTRICAL AND SCIENTIFIC APPARATUS, NAMELY, [PRE-RECORDED VIDEOTAPES RELATING TO BASEBALL,] PRE-RECORDED VIDEODISCS RELATING TO BASEBALL, PRE-RECORDED COMPACT DISCS RELATING TO BASEBALL, PRE-RECORDED AUDIO DISCS RELATING TO BASEBALL, [BINOCULARS,] SUN GLASSES; MAGNETS; COMPUTER ACCESSORIES, namely, MOUSE PADS [AND COMPUTER SOFTWARE, NAMELY, SCREEN SAVERS; COMPACT DISC CASES,] VIDEO AND COMPUTER GAME CARTRIDGES, VIDEO AND COMPUTER GAME DISCS, VIDEO AND COMPUTER GAME CASSETTES, COMPUTER GAME PROGRAMS


U.S. Registration No.	2630348	Application Date	12/05/2000
Registration Date	10/08/2002	Foreign Priority Date	NONE

Word Mark	A'S OAKLAND ATHLETICS
Design Mark	

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 CLOTHING, NAMELY, CAPS, HATS, HEADWEAR, SHIRTS, T-SHIRTS, TANK TOPS, [TURTLENECKS,] SHORTS, BASEBALL UNIFORMS, JERSEYS, SWEATSHIRTS, [BOXER SHORTS,] ROBES, SLEEPWEAR, JACKETS, INFANTWEAR, [CLOTH DIAPER SETS WITH UNDERSHIRT AND DIAPER COVER,] ROMPERS, FOOTWEAR, SOCKS

U.S. Registration No.	2573396	Application Date	04/10/2001
Registration Date	05/28/2002	Foreign Priority Date	NONE
Word Mark	A'S OAKLAND ATHLETICS		

Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 028. First use: First Use: 1992/12/00 First Use In Commerce: 1992/12/00 TOYS AND SPORTING GOODS, NAMELY, STUFFED TOYS, PLUSH TOYS, [BEAN BAG TOYS, BEAN BAGS,] CHECKER SETS, BOARD GAMES, DART BOARDS AND DART BOARD ACCESSORIES, TOY[CARS AND] TRUCKS, [INFLATABLE BASEBALL BATS,] TOY BASEBALL BATS, BAL-LOONS,PUZZLES, TOY TATTOOS, DECORATIVE WIND SOCKS, MINI BATS, VIDEO GAME CARTRIDGES, [HAND HELD VIDEO AND ELECTRONIC GAMES,]BASEBALLS AND HOLDERS FOR BASEBALLS, AUTOGRAPHED BASEBALLS, BASKETBALLS, PLAYGROUND BALLS, RUBBER ACTION BALLS, GOLF BALLS, GOLF CLUB COVERS, [GOLF CLUB BAGS,GOLF PUTTERS,] BASEBALL BATS, MITTS, [CATCHER'S MASKS, PARTY FA-VORS IN THE NATURE OF NOISE MAKERS,] AND CHRISTMAS TREE OR-NAMENTS</p>		
U.S. Registration No.	3349787	Application Date	10/28/2005
Registration Date	12/04/2007	Foreign Priority Date	NONE
Word Mark	A'S		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 Jewelry, namely, bracelets, charms, earrings, rings, belly rings, necklaces, pendants, watches, costume jewelry, rubber or silicone wristbands in the nature of a bracelet, medallions, ornamental metal pins, lapel pins, cuff links, metal belt buckles of precious metal, [tie tacks, tie pins,] money clips of precious metal, metal key chains of precious metal, metal key rings of precious metal, clocks, wall clocks, alarm clocks, [fob watches, clock key chains,] and non-monetary coins of precious metal

Attachments	73289754#TMSN.png(bytes) 73389359#TMSN.png(bytes) 73389360#TMSN.png(bytes) 73744984#TMSN.png(bytes) 73744794#TMSN.png(bytes) 73744858#TMSN.png(bytes) 78743062#TMSN.png(bytes) 78743064#TMSN.png(bytes) 78743065#TMSN.png(bytes) 85099858#TMSN.png(bytes) 73744853#TMSN.png(bytes) 73389055#TMSN.png(bytes) 73389056#TMSN.png(bytes) 76349581#TMSN.png(bytes) 76176172#TMSN.png(bytes) 76238485#TMSN.png(bytes) 78743060#TMSN.png(bytes) Notice of Opposition to OAKLAND S OWN.pdf(294229 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/Dana Breitman/
Name	Dana Breitman
Date	08/17/2016

In re Application Serial No. 86/603,298
Filed: April 20, 2015
For Mark: OAKLAND'S OWN & design
Published in the Official Gazette: April 19, 2016

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ATHLETICS INVESTMENT GROUP LLC D/B/A	:	
THE OAKLAND ATHLETICS BASEBALL	:	Opposition No.
COMPANY,	:	
	:	
Opposer,	:	
	:	<u>NOTICE OF OPPOSITION</u>
v.	:	
	:	
INFINI TERRY and JUSTIN FORD,	:	
Applicant.	:	
	:	
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Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company (“Opposer”), a California limited liability company, with offices at 7000 Coliseum Way, Second Floor, Oakland, California 94621, believes that it will be damaged by registration



of the OAKLAND'S OWN & Design mark as shown here:

(“Applicant’s Mark”) in International Class 25 for “Beanies; hats; hooded sweatshirts; pants; shorts; socks; t-shirts” as shown in Application Serial No. 86/603,298 (the “Application”), and having been granted extensions of time to oppose up to and including August 17, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:



1. Opposer is the owner of the renowned OAKLAND ATHLETICS MAJOR LEAGUE BASEBALL club.

2. Since long prior to March 1, 2015, Applicant's claimed first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used marks comprising or containing the design of a circular or concentric circular design element,

including, without limitation, the following designs:



, alone or with other words, letters and/or designs (“Opposer’s Circle Design Marks”), including, without limitation, other marks owned by the

Club, such as  and , (collectively, with Opposer’s Circle Design Marks, the “Opposer’s Marks”) in connection with baseball game, exhibition and mascot services and a wide variety of goods and services, including, without limitation, apparel, including, without limitation, caps and hats, shirts, and uniforms and novelty items.

3. Opposer owns U.S. federal registrations in Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 28, 41 and 42; namely, Registration Nos. 1,234,697, 1,257,146, 1,267,861, 1,523,854, 1,530,851, 1,570,831, 1,571,006, 3,349,787, 3,349,788, 3,349,789, 3,538,727, 3,943,685, 1,530,675, 1,267,687, 1,263,825, 2,759,932, 2,630,348 and 2,573,396. Registration Nos. 1,530,675, 1,530,851 and 1,570,831 are incontestable in part, and Registration Nos. 1,234,697,

1,257,146, 1,267,687, 1,267,861, 1,263,825, 1,523,854, 1,571,006, 2,759,932, 2,630,348, 2,573,396, 3,349,787, 3,349,788, 3,349,789, 3,538,727 are incontestable.

4. Since long prior to March 1, 2015, Applicant's claimed first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's Circle Design Marks, including, but not limited to, baseball game and exhibition services and a wide variety of goods and services, including, but not limited to, apparel, including, without limitation, caps and hats, shirts, and uniforms and novelty items and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's Circle Design Marks, Opposer has built up significant and highly valuable goodwill in Opposer's Circle Design Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On April 20, 2015, Applicant filed the Application for Applicant's Mark in connection with "Beanies; hats; hooded sweatshirts; pants; shorts; socks; t-shirts" in International Class 25, claiming a first use date of March 1, 2015.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in United States commerce prior to March 1, 2015, Applicant's claimed first use date.

8. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's Circle Design Marks.

9. Applicant's Mark includes a prominent circle design that encompasses the terms OAKLAND'S and OWN that closely resembles one or more of Opposer's Circle Design Marks

(including, without limitation, the use of the same or similar font, composition and/or colors), as shown here:

Applicant's Mark



One of Opposer's Circle Design Marks



10. Applicant's Mark so resembles Opposer's Circle Design Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

11. Upon information and belief, Applicant's use of the concentric circles design with the word OAKLAND'S appearing in the top arc and OWN appearing in the bottom arc within Applicant's Mark indicates an intent to trade on Opposer's valuable goodwill in Opposer's Circle Design Marks.

12. Upon information and belief, Applicant is using Opposer's Marks, without authorization, in connection with Applicant's goods and/or services bearing variations of Applicant's Mark as shown here:



Please recognize as attorney for Opposer in this proceeding William M. Bryner (member of the bar of the State of North Carolina), Dana Breitman (member of the bar of the State of New York) and the firm Kilpatrick Townsend & Stockton LLP, The Grace Building, 1114 Avenue of the Americas, New York, New York 10036-7703.

Please address all communications to Dana Breitman, Esq. at the address listed below.

Dated: New York, New York
August 17, 2016

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP
Attorney for Opposer

By: /Dana Breitman/

Dana Breitman
The Grace Building
1114 Avenue of the Americas
New York, New York
10036-7703
(212) 775-8700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 17, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant Justin Ford, 3416 Elmwood Avenue, Oakland, California, 94601.

/Dana Breitman/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 17, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant Infini Terry, 3416 Elmwood Avenue, Oakland, California, 94601.

/Dana Breitman/